HOME SECRETARIAT

Notification No, HD 61 TMR 77

Bangalore, dated 12th April 1978.

The draft of the following rules further to amend the Karnataka Motor Vehicles Rules, 1963, which the Government of Karnataka propose to make in exercise of the powers conferred by sub-section (1) of section 64 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), is hereby published as required by sub-section (1) of section 133 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the draft rules will be taken into consideration on or after 29th May 1978.

Any objection or suggestion which may be received from any person with respect of the said draft rules by the State Government before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Commissioner for Home Affairs and Secretary to Government, Home Department, Bangalore-560 001.

DRAFT RULES.

1. **Short Title and Commencement** :—(1) These rules may be called the Karnataka Motor Vehicles (Amendment) Rules, 1978.

(2) They shall come into force at once.

2 **Amendment of Rule 3** :—In rule 3 of the Karnataka Motor Vehicles Rules, 1963 (hereinafter referred to as the said rules)—

(1) after clause(c) the following clause shall be inserted namely,—

"(cc) 'authorised representative' means,—

(a) in relation to an appellant or revision petitioner, a person authorised by him in writing to appear on his behalf, being—

(i) a person related to him in any manner, or a person regularly employed by him; or

(ii) any legal practitioner who is entitled to practice in any Civil or Criminal Court in India;

(b) in relation to the Regional Transport Authority and State Transport Authority, a person duly appointed by the Transport Commissioner, by notification in the official gazette, as authorised representative to appear, plead and act for such authority in such proceedings and any other person acting on behalf of the person so appointed."

(2) after clause (q) the following clause shall be inserted, namely—

"(qq) 'Tribunal' means the Karnataka State Transport Appellate Tribunal constituted under sub section (2) of section 64 of the Motor Vehicles Act, 1939 (Act IV of 1939)".

3. Amendment of rule 178 :—For rule 178 of the said rules the following rules shall be substituted, namely :—

"178. Head Quarters, Sittings and Office hours of the Tribunal—(1) The Head Quarters of the Tribunal shall be Bangalore.

(2) The Tribunal shall hold its sittings at its head quarters or such other places as it may consider convenient. It shall sit on all working days from 11 a. m. to 2 p. m. and from 3 p. m. to 5 p. m.

(3) The office hours of the Tribunal shall be the Office hours observed by the other State Government Offices.

(4) The proceedings of the Tribunal shall be conducted either in English or Kannada or both.

178. A. Appeals and Revisions. (1) Every appeal under section 64 and every revision under section 64 shall be in the form of a memorandum and shall be sent by post or presented by the appellant or revision petitioner in person or by his authorised representative to the Tribunal. A memorandum of appeal or revision petition sent by post shall be deemed to have been presented to the Tribunal on the day on which it is received in the office of the Tribunal at its headquarters.

(2) There shall be endorsed on every memorandum of appeal or revision petition the date on which it is presented or deemed to have been presented.

(3) Every memorandum of appeal or revision petition shall contain the following particulars, namely ;

(a) the name and address of the appellant or revision petitioner ;

(b) the name and addresses of each of the respondents ;

(c) the name of the authority against whose order the appeal or revision is preferred ?

(d) the date of such order ;

(e) the provision under which the appeal or revision petition is preferred ;

(f) the grounds of appeal or revision ;

(g) such other particulars as the Tribunal may specify ;

(h) if the appeal or revision petition is filed after the expiry of the period of limitation, the reasons for such delay.

(4) Every memorandum of appeal or revision petition shall be affixed with a court-fee stamp of rupees one hundred.

(5) Every appeal or revision petition presented by a legal practitioner shall be accompanied by a duly accepted vakalat affixed with a court-fee of rupees two.

(6) (a) If the appeal or revision petition is found in order the appeal or revision petition shal be registered and the particulars there of shall be entered in a register in Form-86 or Form-87, as the case may be.

(b) If the appeal or revision petition presented does not confirm to the requiremt of the Act and rules, the same shall be returned by making on endorsement calling upon the appellant or revision Paitioner or his authorised representative to rectify the defects within seven days. The particulars there of shall be entered in Form-85.

(c) If the defects are not rectified within the period of seven days, the tribunal shall fix a date for passing final orders and if the appellant or revision petitioner or his authorised representative fails to rectify the defects, before the said date, the Tribunal shall reject such appeal or revision petition after recording the reasons there for.

178-B. Notice of appeal or revision.—1) After registration of appeal or revision the Tribunal shall fix the date and place of hearing of such appeal or revision and issue a notice thereof to the parties thereto in form-88 by registered post with acknowledgement due. Along with such notice to the Respondent copy of the memorandum of appeal or revision and copies of all applications presented along with such appeal or revision shall also be sent

(2) The notice under sub-rule (1) shall be sent to the Regional Transport Authority or the State Tranepo:t Authority in form-89.

(3) On receipt of notice under sub-rule (2) the Regional Transport Authority or the State Transport Authority shall despatch all records connected with the proceedings before the Tribunal within a month from the receipt of such notice.

178-C. Stay.—(1) The Tribunal may on an application made before it in that behalf pass orders temporarily staying the operation of the orders against which appeal or revision is preferred with or without notice to any of the respondents.

(2) Every stay application shall be accompanied by an affidavit with as many copies as there are respondents.

(3) Every such application shall be affixed with a court fee stamp of rupees two.

(4) The tribunal after hearing both parties to the appeal or revision shall either confirm or modify or vacate the temporary orders staying the operation of impugned orders.

178-D. Hearing of appeal or revision.—(1) On the day fixed or any other day to which the hearing may be adjourned the appellant shall be heard in support of the appeal or rejection; the Tribunal shall, then, if it does not dispose the appeal at once, hear the respon-

dents against the appeal or revision and in such case, the appellant shall be entitled to reply.

(2) Where on the day fixed for hearing, or any other day to which the hearing may be adjourned, the appellant or revision petitioner does not appear when the appeal or revision is called for hearing, the Tribunal may, in its discretion either dismiss the appeal or revision for default

(3) Where on the day fixed for hearing or any other day to which the hearing may be adjourned, the appellant or revision petitioner appears and the respondents do not appear when the appeal or revision is called for hearing, the Tribunal may hear the appeal or revision ex-parte.

(4) An authorised representative appearing for the appellant or the revision petitioner or the respondents at the hearing of an appeal or revision shall file a letter of authority before the commancement of the hearing, if the same has not been filed earlier.

178. E Additional evidence.—(1) The Tribunal shall not permit parties to the appeal or revision any document to be

(a) the authority from whose order the appeal or revision arises has refused to adduce such evidence which ought to have been allowed to adduce; or

(b) where the party seeking to adduce such additional evidence satisfy the Tribunal over such evidence nor with standing the exercise of due diligence was not within his knowledge or could not be produced by him at or before the time when the order under appeal or revision was passed; and

(c) where the Tribunal requires any document to be produced or any witness to be examined or any affidavit to be filed to enable it to pass just orders or for any other sub stantial cause.

(2) If the tribunal permits the parties to the appeal or revision under sub-rule (1) to adduce additional evidence the opposite party shall be entitled to adduce rebuttal evidence if any.

(3) The cost of summoning witnesses or records shall be borne by the party who summons them.

(4) The tribunal shall cause a memorandum of substance of what each witness deposes to be taken down, and such memorandum shall be signed by the Tribunal and shall form part of the record.

178. F. Local Inspection.—(1) The Tribunal may, at any stage of the proceedings, after giving to the parties or their representatives notice of its intention to conduct inspection of the spot which in its opinion is necessary, to arrive at a just decision in the appeal of revision.

(2) Any party or its authorised representative may accompany the Tribunal at a local inspection.

(3) The Tribunal, after making such inspection shall note briefly in a memorandum any facts observed, and such memorandum shall form part of the record.

178 G. Adjournment:—(1) The Tribunal may, on such terms and conditions as it deems fit at any stage of the proceedings grant adjournment of the hearing of any appeal or revision.

(2) An application for adjournment shall be accompanied by an affidavit of the party or person or acquainted with the facts of the case.

(3) Each such application shall be affixed with a court fee stamp of two rupees.

(4) The notice of such application shall be given to the respondents before it is presented.

178H. Procedure on the death of appllant or revision petitioner.—(1) If any appellant or revision petitioner dies during the pendancy of such appeal or revision petition, the legal representative such of deceased appellant or revision petitioner shall be brought on record within 90 days from the date of the death of the appellant or revision petitioner. failure to bring on record within such period, the appeal or revision petition shall abate as against such deceased appellant or revision petitioner.

(2) Notwithstanding anything contained in sub-rule(1). the appeal or revision petition shall not abate by reason of the death of any party after conclusion of the hearing and before passing of the order on such appeal or revision.

(3) The question of determination of legal representatives of a deceased appellant or revision petitioner may be determined by the Tribunal summarily with or without recording evidence.

(4) An application to set aside the abatement order passed under sub-rule (1) shall be made within 60 days from the date of such order to the Tribunal and Tribunal may on sufficient cause being shown set aside such order of abatement and permit the legal representatives of the deceased appellant or revision petitioner to proceed with such appeal or revision.

(5) If the application under sub-rule (4) is filed beyond the said period of 60 days, the party who files such application shall also file an application together with the affidavit to condone the delay on filing such application for setting aside the order of abatement.

(6) The Tribunal may on sufficient cause being shown condone the delay in filing application under sub-rule (4)

178-I. Inspection of documents.—(1) The parties who desire to inspect the documents may apply to the Tribunal in writing and such

application shall be in Form-90 An application for grant of a certified copy of any document or the order of the Tribunal shall be in Form-91.

(2) Every application for inspection or for grant of certified copies shall be affixed with a court fee stamp of rupee one.

(3) The certified copies of the documents shall be delivered by the Tribunal to the party on payment of fee as prescribed in sub-rule (4).

(4) A fee of rupee one by way of court fee stamp shall be collected for every page of certified copy and subject to a minimum of rupees two.

178-J. Maintenance of registers.—(1) All miscellaneous petitions shall be entered in the register in Form-93.

(2) All application for copies of documents or orders shall be entered in register in Form-92.

(3) All applications for inspection of documents shall be entered in register in Form-94.

178-K. Order.—(1) The Tribunal may, after giving all the parties to appeal or revision an opportunity of being heard and after making such enquiry as it may consider necessary and just, make in writing the order setting forth the grounds for its decision on the appeal or revision and communicate the copy of such order by registered post to all the parties to the appeal or revision.

(2) Every order of the Tribunal shall be pronounced in court immediately after hearing or on such date as may be fixed for the purpose.

(3) The Tribunal shall return the documents filed by the parties to them six months after the date of its order.

(4) The Tribunal may after six months from the date of its order on an undertaking given by the Parties to the order that they shall produce the documents whenever it calls for the same, on production of the certified copies of the documents so returned".

4. Insertion of new forms 85, 86, 87, 88, 89, 90, 91, 92, 93, and 94.—In the said rules after Form-84, the following new forms shall be inserted, namely :—

FROM—85 [See rule 178-A (6) (b)]

Date of Filing	Sl. No. in the Register	Nature of appeal or Revision	Court fees in Stamps or Challan			Remarks		
			Court Fees Rs.	Ps.	Challan No. Date & S. B.	Date of Retun	Date of representation	Date of Registration
1	2	3	4		5	6	7	8

FORM—86

[See Rule 178 - A (6) (a)]

No of appeal	From what Court with No. of the case in that Court	Name of appellant	Name of Respondent	Order appealed against and Law under which it is appealed	Date of Registration	Hearing ord r	Result	Actual No. of days intervening between institution and disposal	Dates of delivery of record ke ps in ti s
1	2	3	4	5	6	7	8	9	10

FORM—87 REVISIONS

[*See* Rule 1 8—A (6) (a)]

Number of Revision application	From what Court with Number of the case in that Court	Name of Petitioner	Name of Respondent	Order impugned and Law under which it is presented	Date of Regn.	Hearing	Order	Result	Actual No. of days intervening between institution & disposal.	Date of delivery of record room with record keepers initials.
1	2	3	4	5	6	7	8	9	10	11

FORM-88

[*See rule 178 B (1)*]

THE STATE TRANSPORT APPELLATE TRIBUNAL : KARNATAKA

Appeal No. of 19

Revision No.

Appellant/Revision Petitioner

vs

Respondent

To,

The above named appellant/Petitioner

PLEASE take notice that the appeal/Revision filed by you against the order of the.....passed in proceedings..... dated..... has been placed before the S.T.A T. for orders regarding its admission as it is defective as already notified. The S.T.A T. will hear the matter on.....If you want to be heard, you should be present at the time of the hearing in person or through your pleader or an authorised agent. If you fail to do so, the S.T.A.T. will pass orders in your absence.

Given under my hand and seal of the S.T,A.T.

(By Order)

Seal :

Date :

FROM-89

NOTICE

[*See rule 178 B (2)*]

the State Transport Appellate Tribunal : Karnataka

Appeal/Revisio· Application No. 19

Appellant/Revision Petitioner

Vs.

Respondents :

The Regional Transport Authority/The State Transport Authority

To,

(The above named Parties)

Please take notice that the above Appeal/Revision filed by the above named appellant/Petitioner against the Orders of ..... Passed in proceedings..... dated ..... stands posted for hearing on..... at 11-00 A.M, at the office of the S.T.A.T,at.

You may appear on the above date or any other date to which the hearing may be adjourned either in person or by pleader or by an authorised agent to represent your case, failing which the appeal or revision application will be disposed of on merits, exparte.

Given under my hand and the seal of the S.T.A.T.

(By Order)

Seal :

Date ,

FORM—90

[(See Rule 178-I (1)]

(Form of Application for Inspection of Documents.)

To

The State Transport Appellate Tribunal,
Karnataka, Bangalore.

(Twenty-five paise Court Fee Stamp shall be affixed.)

1	Name and Address of the Applicant in full:	
2	Description of the Documents sought to be inspected.	
3	Appeal or Revision with date of hearinp.	
4	Reference number of the Stat in which it is available.	
5	Purpose for which the inspection is required.	

Date :

Signature of the Applicant.

FORM—91

[*See* Rule 178-I(1)]

(Form of Application for Copy of the Documents or Order)

To

The State Transport Appellate Tribunal,
Karnataka, Bangalore.

(Rupee One Court Fee Stamp shall be Affixed)

1 Name and Address of the Applicant in full	
2 Appeal or Revision Number of Stat. with date of disposal.	
3 Description of documents or order copy of which is required.	
4 Reference number of the file of the State Transport Appellate Tribunal in which the document or order is available.	
5 Purpose for which copy is required.	

Date:

Signature of the Applicant

FORM No. 92

[(See Rule 178-J (2)]

Copy Application Register

1	2	3	4	5	6	7	8	9	10
Date of Registration	Copy application	Number of appeal/ Revision or documents	Name of applicant	Description of paper	Copy when ready	Amount of fee deposited in Cash	Date of delivery of copy	Signature of party	Signature of Secretary or person authorised

FORM No. 93

[(See Rule 178-J (1)]

Miscellaneous Petitions

Sl. No.	Number of the Miscellaneous petitions and Number of appeal or Revision application.	Date of institution	Date of disposal	Result	Remarks
1	2	3	4	5	6

FORM No. 94

[(*See* Rule 178-J (3)]

Register of Application for Inspection of Documents

1	2	3	4	5	6	7	8	9
Date of presentation.	No. of application.	No. of case and designation of Court whose record is sought to be inspected.	Name of applicant	Description of paper.	When document inspected.	Amount of fee deposited.	Signature of party.	Signature of Secretary.

By Order and in the name of the Governor of Karnataka,

M. VENKATASWAMY,
I/c. *Under Secretary to Government,*
Home Department.

3—G. S. R. 108

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